

82-155-I

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February 14, 1984

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Martha A. Ginty, M.Ed., R.N.
Executive Director
N.H. Board of Nursing Education
and Nurse Registration
105 Loudon Road
Concord, New Hampshire 03301

Dear Mrs. Ginty:

By memorandum dated November 15, 1982, you requested our opinion concerning the right of a registered nurse licensed in Massachusetts to monitor and/or periodically visit a patient who has returned home from a Massachusetts hospital. It is our opinion that such a nurse could only practice in New Hampshire if one of the exemptions of RSA 326-B:17 applies.

Under RSA 326-B:15, II and 326-B:16, it is a misdemeanor to practice nursing in New Hampshire without a proper license. The exemptions to the licensure requirement are contained in RSA 326-B:17. Of these exemptions, only paragraph VI, which reads as follows, would appear to have any relevance to the question you have raised:

"The provisions of this chapter shall not prohibit ... [t]he practice of nursing in this state by any currently licensed nurse of another state engaged to accompany and care for a patient passing through or temporarily residing in this state, during the period of one engagement not to exceed two months."

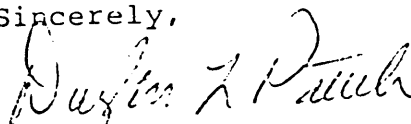


Under this provision, if the person being treated was a temporary resident of New Hampshire, the registered nurse from Massachusetts could monitor or periodically visit the patient without a New Hampshire license. If the patient did not qualify under this exemption, however, the registered nurse could not practice in this State without a New Hampshire license unless one of the other exemptions applied.

It should be noted, however, that the Board has authority to adopt rules under RSA 326-B:4-a and that this opinion has not addressed the authority of the Board to adopt a rule which would encompass the situation described in your memorandum.

Please let us know if you require anything further. I apologize for the delay in responding.

Sincerely,



Douglas L. Patch
Assistant Attorney General
Division of Legal Counsel

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